IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4208 of 2007()

CRIME NO.591 OF 2004 OF THODUPUZHA POLICE STATION

: ACCUSED;

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1. THOMAS IMMANUEL @ JOMY.M.VARIKKAT,
   S/O.LATEL MANI IMMANUEL,
   KUNNATHEDATHU VARIKKATTU HOUSE,KARIMANNOOR VILLAGE
   CHILAVU KARA, THODUPUZHA.

2. JIMMICHAN, S/O.LATEL MANI IMMANUEL,
   KUNNATHEDATHU VARIKKATTU HOUSE,KARIMANNOOR VILLAGE
   CHILAVU KARA, THODUPUZHA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: COMPLAINANT;

STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4208 of 2007

Dated this the 20th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners apprehend that they may be arrested as accused in Crime No.591 of 2004 of Thodupuzha Police Station. They are brothers of the defacto complainant. The dispute is about a power of attorney, which the defacto complainant is alleged to have executed. According to the defacto complainant, he has not executed such power of attorney and the said power of attorney is forged. He has not made any allegations against the petitioners.

2. The learned Public Prosecutor after taking instructions submits that the petitioners are not arrayed as accused in the crime so far. Investigator has not taken a decision to array the petitioners as accused. At the moment, therefore, there is no proposal or intention to arrest the petitioners.

3. The said submission of the learned Public Prosecutor is taken note of and recorded. For the present, the apprehension of the petitioners is thus found to be without any basis. The learned counsel for the petitioners prays that there may be a direction to the Investigating Officer to give notice to the petitioners, if they are required to be arrested so that they can, if necessary, come before the

Court again and seek anticipatory bail. The learned Public Prosecutor agrees to do the same. 7 days' notice shall be given as agreed to the petitioners by the Investigating Officer, if they are required to be arrested.

4. This application for anticipatory bail is, dismissed with the above observations, as agreed by both sides.

(R.BASANT, JUDGE)

rtr/-